

C. Remarks

Response to 37 C.F.R. §1.105 Request for Information

The Request for Information arises from a press release, dated February 20, 2000, posted on the Assignee's web site, www.careerfables.com, seeking additional information relevant to the patentability of the claims of the pending application. The cited press release discusses the initial public availability of the CareerFables web site and notes the future availability of an ESRINetwork.com web site. The CareerFables web site became publicly accessible on February 20, 2000. The product that was to be hosted on the ESRINetwork.com web site was renamed theSkillsMatch.com, which first became publicly accessible no earlier than July 2, 2000 (Attachment A: CareerFables press release dated July 20, 2000).

The product hosted at the CareerFables web site, in general form and content, is characterized as an advice and community-building web site. The marketing and informational content of the site was focused on mid-career change issues surrounding the "5 Fs": Family, Friends, Fulfillment, Finances, and Fun. The web site offered information, stories, and advice to web site visitors.

The Assignee has not been able to locate any direct public documentation of the CareerFables web site as it existed prior to February 22, 2000, the priority date of the present application. Limited views of the CareerFables web site, dated to October 2000, are available through the Internet Archive Wayback machine:

http://web.archive.org/web/*/http://careerfables.com

Prior to at least July 2, 2000, the CareerFables web site product did not offer or implement a skills assessment system, or other capability analogous to the system described in the presently pending application. Subsequent to July 2, 2000, theSkillsMatch.com site was made publicly accessible and links between the two sites established. The product originally hosted by the theSkillsMatch.com web site is documented by the specification of the provisional applications from which the present application claims priority. That specification is asserted to describe the product or a feature superset of the product as implemented when first made publicly accessible in July 2000.

The content and presentation of the CareerFables web site prior to February 22, 2000 is, as best remembered by the principal inventors Magrino and Huser, generally consistent with the current presentation of the CareerFables site, though with the specific exception that all current links to theSkillsMatch.com web site were then either not present or possibly presented a coming soon message with no further detail.

The only published articles known by the Assignee and principal Inventors relevant under 37 C.F.R. §1.56 were published after February 22, 2000. The paper "Human Capital Management: Employee Skills Inventories as a Key to Retraining and Motivating the Right People" was first published December 2001 (Attachment B). The paper "Human Capital Management in Healthcare" was first published in March 2002 (Attachment C).

The Assignee has endeavored to respond fully and with candor to the Request for Information. The principal of the Assignee and lead inventor, Susan Magrino, would be pleased to participate in a teleconference to answer any further questions the Examiner may have.

Objections

Claim 17 was objected to due to a typographical error in punctuation. The claim now stands cancelled. Withdrawal of the objection is therefore respectfully requested.

Rejections under 35 U.S.C. §102:

Claims 1 - 7 were rejected under 37 C.F.R. §102(e) as anticipated by Lacy et al ("Lacy"; US Patent 6,524,109).

In summary, Lacy describes an essentially static system for collecting categorized skills data from and about existing employees that can be subsequently reviewed by employee managers. The particular advancement touted by Lacy over other skill assessment systems, such as described in Haq et al ("Haq"; US Patent 6,275,812), is the ability to limit the set of skills to be self assessed by an employee to those deemed specifically relevant to the employee's current position. Lacy explicitly defines its invention as a

... system and method for allowing a user to complete the skill set assessment process by reviewing only the subset of skills relevant to the user's employment position. (Col 3, ll 50-53.)

As described at Col 3, ln 64 - Col 4, ln 22, Lacy further establishes, here and consistently throughout the Lacy specification, that the only defined managerial review is focused entirely on the initial definition of the skill sets that employees are presented with for self-assessment. Skill sets are taught as desirably defined only for existing employees in their existing employment positions. Layers of management hierarchy are taught as being involved in the top-down definition of the skill sets that may be ultimately applicable to an employee in a specific employment position.

The Lacy system does not teach or suggest any mechanism for any actual review and qualification of the self-assessment information provided by employees. Lacy teaches that an employee may mark the employee's entire skills assessment record as having been completed in the opinion of the employee. At best, Lacy suggests that a managerial review can then, in some undefined manner follow from the employee's marked completion of the self-assessment (Col 16, ll 34-42). Lacy does not teach or suggest any form or function of this managerial review.

Consequently, Lacy fairly describes a system narrowly focused on improving the ability of managers to evaluate existing employees in terms of skill sets specific to their current position within a company. To ease self-assessment by employees, the Lacy system permits managers to tailor skill set definitions to the narrow requirements of specific positions.

In contrast, as will be detailed variously against specific claims below, the present invention enables capturing a skills inventory of a workforce, specifically including employee participants and non-employee participants. Unlike the cited prior art, the present invention thus enables reviewers to consider and effectively address the greater problem of identifying candidates suitable for a position from the entire participant inventory. This consideration can be made regardless of the current employee status of candidates and can consider skills that are beyond just those required for their current employee position.

Furthermore, as specified in select claims below, the skills inventory is established by a closed-loop evaluation of collected skills information producing a qualified skills assessment, not merely a self-assessment. The present invention, as variously claimed below, is defined to drive review by designated managers, a review product that qualifies the

participant data set records as stored in the inventory repository, and that enables differently scoring of data set records based on the qualification provided by the reviewer.

Independent Claim 1

Claim 1, as amended to emphasize existing distinctions from the prior art, describes a system capable of inventorying the available skills of a workforce, including those that are both actively employed and those that are currently inactive. Specifically, each of the repository stored data set records identif[ies] a workforce participant and the participant status of said workforce participant.

Claim 1 further provides for identification within said performance capabilities data set repository of editing changes made to said plurality of performance capability data sets and issuance [of] a data changed electronic notification message with respect to a predetermined performance capability data set. Thus, editing changes are flagged within the data set record and, in addition, a notification message is issued.

This message is issued to and received by a predetermined reviewer identified by correspondence with the data set record. Claim 1 further requires this reviewer to be enabled to perform review and qualification of the changes made in the specific data set record identified by the notice message.

Lacy does not teach collecting or maintaining skills assessment data from any individuals other than actual active current employees. Lacy does not teach noting data changes and actively issuing notice messages to specific reviewers. Lacy does not teach any ability of reviewers, acting in response to a notice message to both review and qualify the submitted skills assessment information. For each of these reasons, Lacy does not anticipate Claim 1. (Anticipation under 37 C.F.R. §102 requires that the function of the elements and their interconnections not just be colorably similar, but identical in all aspects (emphasis added). See, Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (The identical invention must be shown [by the reference] in as complete detail as is contained in the ... claim).)

Furthermore, Lacy does not suggest the foregoing identified requirements of Claim 1 individually let alone in combination as would be required to properly support a rejection under 37 C.F.R. §103. The entirety of the focus of Lacy is on the definition of specific skill

sets and enabling existing employees to select and self-assess against just the skill set specified for their current position. Lacy does not teach or suggest anything more than an open-loop self-assessment system for an employee in the employee's current position.

To be sure, an employee's self-setting of a flag to presumptively identify completeness of a self-assessment skills record is entirely passive since, in the Lacy system, no other review is invoked or required. Even where a review occurs, Lacy does not teach or suggest that the reviewer act in any particular manner, let alone to in some meaningful way qualify any collected data.

Conversely, Claim 1 defines a system that affirmatively drives evaluation of skills data collected from all participants in a workforce by actively issuing notification messages to specified reviewers. Claim 1 further provides for the specified reviewers to review and selectively qualify the collected data. The system of Claim 1 is therefore closed-loop and results in the collection of qualified skills data from any workforce participant irrespective of whether that participant a current employee or member of a reserve talent pool.

For at least these reasons, Applicants respectfully assert that Claim 1 is patentable over the cited prior art. Reconsideration of the rejection of Claim 1 is therefore requested.

Claim 2

Claim 2 adds a limitation specifying that the claimed system enables issuance, by the predetermined reviewer, of a notification message to a workforce participant request[ing] ... specified information regarding an item of said predetermined performance capability data set of that workforce participant. The solicitation of specified information results in specific qualification of the data set for that workforce participant.

Such a directed qualification of skills assessment data is neither taught nor suggested by Lacy. Applicants therefore respectfully assert that Claim 2 is not anticipated or obvious in view of Lacy. Reconsideration of the rejection of Claim 2 is requested.

Claims 4 and 5

Claims 4 and 5 have been amended to be dependent from Claim 2.

Claim 4 defines the data set records maintained by the repository as containing both categorized and uncategorized, specifically free-text, data fields. Lacy does not teach or suggest the use of any two similarly distinct data fields and, in particular, does not teach any free-text data field. The GUI button 1306, identified in Figure 13 of Lacy, is described in the context of a management function through which a manager can specify a series of one or more skill labels to be included within a skill set definition (Col 15, ll 12-15). These label identifiers are not free-text entered by employees. Lacy teaches that only the manager defining a skill set can define the skills of the skill set. Nowhere does Lacy describe the entry by employees of any free-text descriptions of their skills.

Claim 4 has been amended to clarify that the free-text data fields are provided to capture unstructured textual content entered by a workforce participant, consistent with the description of those fields in the present specification.

Since Lacy does not teach use of a free-text data field capable of containing unstructured textual content entered by a workforce participant, Claim 4 is not anticipated by Lacy. Reconsideration of the rejection of Claim 4 is respectfully requested.

Claim 5 further specifies that the categorized and free-text fields defined by the claim are separately scored. Lacy, at Col 4, ll 44-56, does not describe scoring of the data contained any fields, but instead describes managerial ordering of the definition of skills within skill sets. Lacy, at Col 16, ll 55-61 describes a search capability where a manager can search for category labels that contain a specified word or phrase. Since the employee users described by Lacy do not enter any free-text data, the described search functions is clearly not directed to the searching of free-text data fields provided to capture unstructured textual content entered by a workforce participant. Applicants' Attorney was unable to locate any other description within Lacy of the separate scoring of two distinctly different types of data fields, let alone specifically both categorized and free-text data fields.

Reconsideration of the rejection of Claim 5 is respectfully requested in view of the failure of Lacy to teach any separate scoring of different types of data fields.

Claims 6 and 7

Claims 6-7 have been cancelled.

Rejections under 35 U.S.C. §103:

Claims 8 - 18 were rejected under 37 C.F.R. §103(a) as obvious in view of the combination of Lacy and Haq.

In summary, Haq describes a system remarkably similar to Lacy. The principal differences include, first, not providing for a hierarchical management definition of skill sets and, second, describing in some detail a scoring system.

In distinction to the capabilities of the present invention, Haq is entirely focused on a skills assessment of only existing employees. While an occurrence of the term "work force" is found in the background of the invention, no definition is provided and, by context throughout the Haq specification, the term is obviously intended to refer just to the current employees.

Haq describes use of a "skills template" that categorically enumerates the "specific job functions (roles and responsibilities) in a specialty" (Col 5, ll 25-36). An employee is provided with a position appropriate template to use for skills assessment. The template thus merely defines categorized data. Nowhere does Haq describe an employee having the ability to enter unstructured textual content. Notably, the scoring system is tailored to scoring but a single type of collected data. No method or means of scoring unstructured data is described. Haq simply does not contemplate the evaluation of any data other than the purely structured data defined by the described templates.

Claim 8

Claim 8 has been cancelled.

Independent Claim 9 and Dependent Claims 10 through 11

Claim 9 has been amended to clarify that the required free-text information is entered by workforce participants as unstructured textual content. As discussed above, neither Lacy nor Haq teaches or suggests the collection of such free-text information from workforce participants. The cited art also does not teach or suggest the scoring of free-text information initially separate from collected structured data: categorized data.

Accordingly, reconsideration of the rejection of Claims 9-11 is respectfully requested.

Claims 12 through 17

Claims 12-17 have been cancelled.

Independent Claim 18

Claim 18 specifies that free form information is collected from [] potential candidates for a position. The claim has been amended to clarify that the collected free form information is characterized as unstructured textual content. The claim further requires that the collected information [is reviewed] by a designated reviewer and that the review provides for the selective qualification of the collected information, allowing for the identification of capability identifiers in the unstructured textual content matchable to key information.

In addition, the claim requires the first scoring of the categorized data and second scoring of the matched key information where both scorings are further subject to the selective qualification [by the designated reviewer] of the items of said collected information. Consequently, the ultimately produced rankings of the potential candidates are based not merely on self-assessment information, but on qualified information obtained through a closed-loop review process.

Neither Lacy nor Haq teach or suggest a closed loop review process. Nor do the references teach a scoring system that is controlled such that the generated scorings for both categorized and free form information directly reflect review qualification.

Accordingly, Claim 18 is not obvious in view of the combination of Lacy and Haq. Reconsideration of the rejection of Claim 18 is respectfully requested.

Claim 19

Claim 19 adds the further limitation that a designated reviewer is enabled to solicit additional information from a candidate, thereby returning the candidate to the step of collecting information to provide the requested additional information. As specified by the claim, the additional information request allows for a reviewer moderated normalization of the quality of information provided by said set of potential candidates.

Claim 19 is rejected as obvious in view of Lacy and Haq, as discussed above, further in view of Puram et al (US Patent 6,289,340). Puram describes a skills matching system where "consultants" can provide categorized skills data for "matching" against requirement

criteria presented by potential employers. Puram is specifically asserted to show a feedback mechanism. The three feedback mechanisms described by Puram are (1) an autonomous limiter on the number of potential candidates reported in response to a search request; (2) autonomously collected data reflecting the differences in a consultant's skill set and the skill set criteria searched for by potential employers; and (3) commentary by past employers about "how a candidate fulfilled his/her responsibilities" in completing some past project.

The first feedback mechanism is clearly irrelevant to Claim 19. The second mechanism provides a user with nothing more than an after-the-fact counter of hits and misses for potential job opportunities. As explicitly recognized by Puram, the information possibly gleaned by the consultant from the miss counters might be, at most, revealing of some additional skills that need to be acquired to better position the consultant for future opportunities.

This information can be used by candidates to find out in what ways their skills are insufficient for the current market, and this will enable them to tailor their future instruction or training to acquire the skills or experience they are lacking. (Col 9, ll 29-33; emphasis added.)

The third feedback mechanism permits reviewers to presently provide some information that may be relevant to potential future employers conducting subsequent searches. The information is from past, completed projects. Furthermore, this information, at least to the extent that it is not categorical, is left completely unscored within the Puram system.

Thus, in distinction from the requirements of Claim 19, none of the feedback mechanisms taught or suggested by Puram permit or even contemplate the solicitation of additional information from a potential candidate to normalize the quality of information provided by said set of potential candidates in evaluating the candidates for a present position.

Accordingly, Claim 19 is not obvious in view of the cited prior art. Reconsideration of the rejection of Claim 19 is respectfully requested.

Claim 20

Claim 20 has been cancelled.

New Claims 21 and 22

Claim 21 adds the limitation that a data changed electronic notification message is issued with respect to a particular data set record and, further, issued to a corresponding designated reviewer.

Claim 22 further specifies that an information request electronic notification message is issued in soliciting the additional information.

Consideration of Claims 21 and 22 is respectfully requested.

New Claims 23 through 25

These new claims depend from Claim 2 and provide limitations defining the life-cycle management of the workforce inventory system and mechanism of the closed-loop review and qualification of the inventory data.

Specifically, Claim 23 adds the limitation that workforce life-cycle event data is added to the data set records to reflect changes of participant status between active participant status and reserve talent pool inactive participant status.

Claim 24 adds the limitation that the data sets associate[] a reviewer notification delivery address that is used as the delivery address for the data changed electronic notification messages.

Claim 25 adds a similar limitation that the data sets associate[] a user notification delivery address that is used as the delivery address for information request electronic notification messages originated by a reviewer.

Consideration of new Claims 23-25 is respectfully requested.

New Claims 26 through 28

New Claim 26 depends from Claim 5 and, similar to original Claim 8, adds detailed limitations regarding the separate scoring systems used for categorized and free-text data.

New Claims 27 and 28 further specify that, during closed-loop managerial review of the unstructured textual content of the free-text fields, key phrases identified in the free-text by a manager can be noted and assigned a scoring value for use in subsequently scoring the current data set record and, potentially, other data set records.

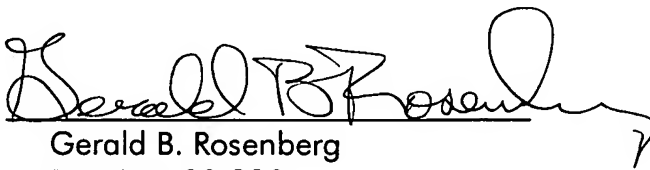
Given that the combination of Lacy and Haq do not teach or suggest use of multiple different scoring systems, including in particular separate scorings for categorized and free-text data, these claims are not obvious in view of the cited art. Accordingly, consideration of Claims 26-28 is respectfully requested.

Conclusion:

In view of the above Amendments and Remarks, Applicants respectfully assert that Claims 1 - 5, 9 - 11, 18, 19, and 21 - 28 are now properly in condition for allowance. The Examiner is respectfully requested to take action consistent therewith and pass this application on to issuance. The Examiner is respectfully requested to contact the Applicants' Attorney, at the telephone number provided below, in regard to any matter that the Examiner may identify that might be resolved through a teleconference with the Examiner.

Respectfully submitted,

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